

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SHANNON PHELPS,

Plaintiff,

v.

Civil Action No. 3:12cv492

MICHAEL J. ASTRUE,
Commissioner of Social
Security,

Defendant.

FINAL ORDER

This matter is before the Court on the Report and Recommendation of the Magistrate Judge entered on December 10, 2012 (Docket No. 15). The time to file objections has expired and neither party has objected to the Magistrate Judge's Report and Recommendation. Having considered the matter and deeming it otherwise proper and just to do so, it is hereby ORDERED:

- (1) The Report and Recommendation of the Magistrate Judge is ACCEPTED and ADOPTED as the OPINION of the Court;
- (2) Plaintiff's Complaint (Docket No. 1) is DISMISSED without prejudice;

(3) The decision of the Commissioner is AFFIRMED; and

(4) This case is CLOSED.

The Clerk is directed to a copy of this Final Order to Plaintiff and all counsel of record.

It is so ORDERED.

_____/s/ *REP*_____
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: January 4, 2013